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Letter dated 9 June 1993 from the Chargé d'affaires a.i. of the Permanent Mission of Indonesia to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of a statement by the Department of Foreign Affairs of Indonesia on the trial of Xanana Gusmao, dated 8 June 1993 (see annex), in response to the note verbale of 21 May 1993 from the Permanent Mission of Portugal to the United Nations addressed to the Secretary-General (A/48/175-S/25819).

I should be grateful if you would have the text of the present letter and its annex circulated as an official document of the forty-eighth session of the General Assembly and of the Security Council.

(Signed) Witjaksana SOEGARDA
Chargé d'affaires a.i.
Ambassador/Deputy Permanent Representative

* A/48/50.

ANNEX

Statement on the trial of Xanana Gusmao issued on 8 June 1993 by the Department of Foreign Affairs of Indonesia

1. In another attempt to discredit Indonesia and to mislead international public opinion, the Government of Portugal on 21 May 1993 issued a communiqué on the sentence pronounced against Xanana Gusmao. As has become standard fare in the unending stream of Portuguese communications of this kind, this most recent communiqué is again replete with baseless accusations, malicious misinterpretations, distortion of facts and ever more strident innuendo. The Department of Foreign Affairs of Indonesia deems it appropriate and necessary, therefore, to put the record straight and to issue the following statement.

2. On 21 May 1993, Mr. Jose Alexandre "Xanana" Gusmao was sentenced to life imprisonment by the Dili District Court, East Timor. He was found guilty under articles 106, 108, and 110 of the Criminal Code. He was charged, inter alia, with leading an armed rebellion against the Government of Indonesia, disrupting national stability and illegal possession of firearms. The trial of Mr. Gusmao was conducted in accordance with the laws and regulations of Indonesia. Throughout the trial proceedings, he was assisted by legal counsel and the services of sworn interpreters. Mr. Gusmao has been accorded due process of law and was tried in a manner consistent with the rights of anyone under those laws and regulations. Mr. Gusmao has the right to appeal to a higher court or to make a request for clemency. It is therefore absurd and totally unwarranted for Portugal to make accusations that the trial of Mr. Gusmao is a "political trial" and that it "was fraught with the gravest irregularities and outrages", and that witnesses had been subjected to coercion and abuse.

3. Throughout his detention and the trial proceedings, Mr. Gusmao was treated in a manner consistent with international standards. He was also visited by the International Committee of the Red Cross (ICRC) and Mr. Amos Wako, the personal envoy of the United Nations Secretary-General. The trial - in a civil court of law - was open to the public and observed by diplomats, foreign journalists, including nine Portuguese journalists, representatives of Asia Watch and the International Commission of Jurists, as well as by a representative of the United Nations Secretary-General. The trial proceedings were also attended by the defendant's close relatives, including his parents, his sister and others.

4. It should be noted that those who were detained along with Mr. Gusmao have also been accorded due process of law. They were all treated humanely and ICRC also visited them.

5. The Government of Indonesia categorically rejects the claim of Portugal that Indonesia lacks "any political, moral or legal authority" to conduct the trials against Mr. Gusmao and those who are committing acts in violation of the Indonesian laws and regulations. It should be recalled that after the irresponsible abandonment of East Timor by the erstwhile Portuguese colonial authorities in August 1975, the people of East Timor have rightfully exercised their right to self-determination and decolonization. This they did by choosing independence through integration with Indonesia in accordance with United Nations General Assembly resolution 1514 (XV) of 14 December 1960 and

principles VI, VIII and IX of its resolution 1541 (XV) of 15 December 1960, and as confirmed by the relevant provisions of resolution 2625 (XXV) of 24 October 1970, thereby terminating their former colonial status. Thus, the true fact of the situation is that, by utterly failing in its responsibility, Portugal has indeed forfeited any right or legitimacy to be still considered the administering Power of East Timor. For these reasons Indonesian laws and regulations are applicable to anyone for committing acts in contravention of those laws and regulations. The trial of Mr. Gusmao is therefore fully within the jurisdiction of Indonesia.

6. Another attempt at disinformation by the Government of Portugal can be seen in their effort to establish a linkage between the Government of Indonesia and certain media reports accusing Mr. Amos Wako, the personal envoy of the United Nations Secretary-General, of having influenced Mr. Xanana Gusmao in the presentation of his defence plea. These media reports have subsequently been proven to be without foundation and, as evident in the official statement made, the Government of Indonesia has never given credence to those reports. The clarifications made by the Secretary-General in his statement on 21 May 1993 is greatly appreciated by the Government of Indonesia. The Government of Indonesia has full confidence in the mission carried out by Mr. Amos Wako, the personal envoy of the Secretary-General.

7. It is obvious that the Government of Portugal has once again seized the opportunity, this time utilizing the occasion of the trial of Mr. Gusmao, to intensify its campaign to discredit Indonesia and to undermine the serious efforts by the United Nations Secretary-General to find a comprehensive and internationally acceptable solution to the question of East Timor through the tripartite dialogue. The continuing barrage of baseless accusations and the intensified campaign waged against Indonesia have put in serious doubt the goodwill and seriousness of Portugal in finding a solution to the question of East Timor through the dialogue under the auspices of the United Nations Secretary-General.

8. It is to be hoped that the trial of Mr. Gusmao will focus world attention on the tragic consequences of a policy of violence and conflict as carried out by Mr. Gusmao's followers and sympathizers. It is also to be hoped that peace and development can now replace the security disruptions that prevailed in East Timor in the past and that the sincere and serious efforts of the world community can now be focused on what is best in the long-term interest of the people of the province.